

THE WHITE HOUSE

WASHINGTON

February 4, 1976

MEMORANDUM FOR: PHIL BUCHEN  
BILL HYLAND  
DON OGILVIE  
NINO SCALIA  
BOB ELLSWORTH  
HAL SAUNDERS  
MITCH ROGOVIN

FROM: MIKE DUVAL *White*

SUBJECT: Additional Restriction for the Defense Draft of the  
Restrictions Executive Order

As discussed at yesterday's ICG meeting, the Defense Draft of the restrictions Executive Order omits a prohibition on domestic clandestine collection. I have drafted such a section for inclusion in the Defense draft. It is somewhat long-winded because of the need to make a distinction between clandestine collection for foreign intelligence, as opposed to counterintelligence, purposes. The new section would be III(i) and would be inserted on page 6:

(i) solicitation within the United States from United States persons of information concerning the capabilities, intentions or activities of any foreign power, or of any non-United States person, whether within or outside the United States, or concerning areas outside the United States, without disclosing to such United States person from whom the information is solicited the true identity of the soliciting agency. When such information is obtained through incidental reception of information from unknowing United States persons, however, the receiving agency shall be permitted to make appropriate use of such information.